

REMARKS

Claims 1-23 are pending in this application. Claims 2-20 have been withdrawn from consideration as being drawn to a non-elected invention.

Claims 1 and 21 have been amended to more clearly define the present invention. Claim 23 has been newly added to further define the present invention.

No new matter has been added.

In view of the amendments to the claims and new claim 23, further and favorable consideration is respectfully requested.

I. Claims 1, 21 and 22 are rejected under 35 U.S.C. §102(e) as being anticipated by Iguchi '363. (Office action point 5)

The Examiner maintains this rejection. The Examiner states, responsive to Applicant's arguments filed on November 12, 2003, that Applicant's argument that Iguchi does not disclose forming conductor filled trenches, as required by the present claims, is not persuasive because it is not specifically claimed that the trench is formed in one insulating layer.

Claims 1 and 21, have been amended, and newly added claim 23 has been written, to clarify that the trench is formed in one interlevel insulating layer in the peripheral area, and conductor fills that trench. Iguchi does not teach such a structure, but only a trench formed from a first and a second interlevel insulating layers and a conductor pattern formed of the same material as the wiring pattern

embedded in the first interlevel insulating layer, left at a sidewall of the first interlevel insulating layer and covered by the second interlevel insulating layer.

Both claims 1 and 23 clarify that the above-mentioned trench without via formed is formed in a same interlevel insulating layer, and has conductor filling the trench. Claim 21 as amended clarifies the configuration of such trench.

Regarding claim 21, the Examiner argues "a first insulating layer (2) having a lower dielectric constant than silicon oxide", and "a second insulating layer (3) having a dielectric constant higher than said first insulating layer". The layer 2 is made of silicon oxynitride, and the layer 3 is formed of silicon oxide. It is well known that silicon oxide has a dielectric constant of about 4.2, and silicon nitride has a dielectric constant of about 7. The silicon oxynitride should have a dielectric constant of 4.2 to 7, higher than that of silicon oxide.

Accordingly, Iguchi does not teach a first insulating layer having a lower dielectric constant than silicon oxide and a second insulating layer having a dielectric constant higher than that of the first insulating layer, as presently required.

In view of the above, it is submitted that Iguchi does not teach each and every element of the claimed invention as required for anticipation under 35 USC § 102. Thus, the Examiner is respectfully requested to withdraw this rejection.

In view of the aforementioned amendments and accompanying remarks, the claims are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP



Susanne M. Hopkins
Attorney for Applicant
Reg. No. 33,247

SMH/alw
Atty. Docket No. **011264**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE